

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JASON DANIEL BRADY,)	
)	Civil Action No. 03-218E
Plaintiff,)	Hon. Maurice B. Cohill, Jr.
)	Senior United States District
v.)	Judge
)	
LTC WENDELL L. MAY,)	
)	
Defendant.)	

**MOTION FOR EXTENSION OF TIME TO ANSWER OR
OTHERWISE MOVE WITH RESPECT TO PLAINTIFF'S
COMPLAINT**

AND NOW, comes Defendant, by his attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul D. Kovac, Assistant United States Attorney, and, pursuant to Fed. R. Civ. P. 6 (b) (1), file the following motion for an extension of time to answer or otherwise move with respect to plaintiff's complaint. In support of his motion, defendant respectfully avers as follows:

1. Plaintiff has filed this action seeking an enlistment bonus of \$5,0000 from the Pennsylvania Army National Guard. Plaintiff alleges in his Complaint that the Pennsylvania Army National Guard has twice refused to pay this bonus and seeks this Court's assistance to obtain the requested amount.

2. Plaintiff, who is appearing pro se, has not alleged any specific jurisdictional grounds for the Court to entertain this lawsuit. Complaint at ¶ 4. Defendant requires

additional time to research the jurisdictional basis of this case and prepare a response.

3. Additionally, undersigned counsel has requested assistance from the Army's Litigation Division, Military Personnel Branch in the Washington, D.C. area. Counsel for the Army is currently researching Plaintiff's enlistment terms, talking with witnesses, and obtaining military documentation from Plaintiff's unit in order to determine whether Plaintiff is actually entitled to the bonus he seeks. Resolution of these issues may result in settling this case without further assistance from the Court. However, additional time is needed to conduct this research and prepare our litigation position.

4. Defendant therefore requests an extension from July 5, 2005 until August 5, 2005, or an additional thirty (30) days, to respond to Plaintiff's complaint.

5. Neither this motion or the limited representations by the Department of Justice for purposes of this motion is intended to waive any defense which may be asserted.

6. Plaintiff pro se has been contacted and does not oppose this thirty day extension.

WHEREFORE, defendant respectfully requests an extension July 5, 2005 until August 5, 2005, or an additional thirty (30) days, to respond to Plaintiff's complaint. A proposed order is attached.

Respectfully Submitted,

MARY BETH BUCHANAN
United States Attorney

By: _____
PAUL D. KOVAC
Assistant U.S. Attorney
Western District of
Pennsylvania
U.S. Post Office & Courthouse
700 Grant Street Suite 400
Pittsburgh, PA 15219
(412) 894-7489

Dated: July 1, 2005

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LTC WENDELL L. MAY,)	
)	
Defendant.)	

ORDER

AND NOW, this _____ day of _____, 2005,

IT IS HEREBY ORDERED that defendants' motion for an extension of time to answer or otherwise move with respect to plaintiff's complaint is GRANTED.

IT IS FURTHER ORDERED that defendants shall file their responsive pleading and/or dispositive motion on or before August 5, 2005.

Senior U.S. District Judge

cc: Jason Daniel Brady, *pro se*

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2005, I served a copy of defendant's motion for an extension of time by first-class U.S. Mail upon the following:

Jason Daniel Brady
Plaintiff Pro Se
4885 State Highway 173
Cochranton, PA 16314

PAUL D. KOVAC
Assistant U. S. Attorney